

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

ANDREW STEPHEN HULETT,

Debtor.

Case No. 19-46577-mlo
Hon. Maria L. Oxholm
Chapter 7

MANAGEDWAY COMPANY,

Plaintiff,

Adversary No. 19-04308-mlo

vs.

ANDREW STEPHEN HULETT,

Defendant.

**STIPULATION FOR ENTRY OF
STIPULATED INJUNCTION AND CONSENT JUDGMENT**

Plaintiff and Defendant stipulate to the entry of the attached Stipulated Injunction and Consent Judgment that will resolve all issues in this adversary proceeding and close the case.

Stipulated and agreed:

Dated: August 27, 2020

HOWARD & HOWARD ATTORNEYS PLLC

OSIPOV BIGELMAN P.C.

By: /s/ Stephen P. Dunn

Stephen P. Dunn (P687111)
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Phone: (248) 723-0424
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Attorneys for Plaintiff

By: /s/ Jeffrey H. Bigelman

Jeffrey H. Bigelman (P61755)
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Attorneys for Defendant

ANDREW STEPHEN HULETT

A handwritten signature in black ink, appearing to read 'A. Hulett', written over a horizontal line.

By: Andrew Stephen Hulett

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CONSENT INJUNCTION AND MONEY JUDGMENT

THIS MATTER came before the Court on the parties' stipulation with respect to injunctive relief and dismissal of this adversary proceeding with prejudice. Based on the parties' stipulation,

IT IS HEREBY ORDERED that Andrew Stephen Hulett is hereby enjoined through August 31, 2021, from:

1. Directly soliciting (A) any person or entity that was a "Client" of ManagedWay at any time during Hulett's employment with ManagedWay. The term Client consists of those entities included in a document titled "ManagedWay Company Sales by Customer Summary January - June 2017" at Bates #MW001108-MW001115; (B) any person or entity that ManagedWay solicited or called upon for business at any time during Hulett's employment with ManagedWay. Entities that were "solicited or called upon" consists of those entities that were labeled prospective customers in the Affidavit of Reece Serra at docket #8-5 in this Adversary Proceeding.

2. Working on the account of 123.Net, Inc. for or on behalf of Cogent, UBX Cloud, or any other company;

3. Working on the account of MISEN for or on behalf of Cogent, UBX Cloud, or any other company;

IT IS FURTHER ORDERED that if Mr. Hulett learns that any current or prospective customer of Cogent, UBX Cloud, or any other company is a Client of ManagedWay, as defined by this order, Hulett shall immediately recuse himself from working on or having any role (directly or indirectly) regarding the account of any such customer or prospective customer of Cogent, UBX Cloud, or any other company through August 31, 2021.

IT IS FURTHER ORDERED Mr. Hulett shall promptly provide a copy of this Order to Cogent, UBX Cloud, or any other company with which Hulett (or any entity through which Hulett conducts business) is and/or may become affiliated in any way through August 31, 2021.

IT IS FURTHER ORDERED that a non-dischargeable judgment is entered in favor of Plaintiff ManagedWay Company and against Defendant Andrew Stephen Hulett in the amount of Two Hundred Fifty Thousand (\$250,000.00) U.S. Dollars (the "Judgment Amount") pursuant to Sections 523 (a)(6) of the Bankruptcy Code. This non-dischargeable Judgment can be satisfied by payment to Plaintiff ManagedWay Company in the amount of \$50,000.00 so long as there has not been a violation of any of the aforementioned injunctive relief. If this occurs a Satisfaction of Judgment shall be filed. The \$50,000.00 shall be paid at a rate of \$10,000.00 per year which the first payment becoming due on August 31, 2022, and each year after on August 31 or sooner until the \$50,000.00 is paid in full. There shall be a 10-day cure period after notice to counsel for Andrew Hulett in the event of a monetary default. Notice shall be made to Jeffrey H. Bigelman, Esq. via email jhb@osbig.com and via facsimile at 248-663-1800. In the event that Defendant

Andrew Stephen Hulett fails to comply with the injunctive relief or payment obligations ordered herein, Plaintiff ManagedWay Company shall file an Affidavit of Default and then shall be entitled to immediate relief notwithstanding 11 U.S.C. § 362, Fed. R. Bankr. P. 4001(a)(3) or anything to the contrary contained in this Judgment, and Plaintiff ManagedWay Company shall have full rights of execution on this Judgment for the Judgment Amount. In the event of a monetary or non-monetary default any payments made by Andrew Hulett pursuant to this Judgment shall be credited against the Judgment Amount.

IT IS HEREBY FURTHER ORDERED that this Judgment and the Judgment Amount are non-dischargeable in the above captioned Chapter 7 bankruptcy case.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over proceedings supplementary to judgment which are required by Plaintiff to enforce the provisions of this Judgment and/or Injunction.

IT IS SO ORDERED.